

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services – Revenue Department – Allegation of corruption against Sri K.Krishna Reddy, former Mandal Revenue Officer (Retired), Nalgonda – Entrusted the case to Tribunal for Disciplinary Proceedings – Report in TEC No.22/2009 – Exonerated from the charge – Orders – Issued.

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REVENUE (VIGILANCE.II) DEPARTMENT

G.O.Ms.No. 28

Dated:16.01.2013.

Read the following:

- 1) From the D.G., A.C.B., A.P., Hyderabad, Letter No.147/RCT-CIU-HND/ 2007, dt.23.06.2008.
- 2) Government Memo No.42470/Vig.II(2)/07-3 dt.4.12.08.
- 3) From Secretary, TDP,Lr.Dis.No.S/33/2010, dt.23.12.2010.
- 4) Government Memo No.42470/Vig.II(2)/07-7, dt.5.2.2011
- 5) Explanation of Sri K.Krishna Reddy, former Mandal Revenue Officer (Retired), Nalgonda, dt.Nil.

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ORDER:

It was brought to the notice of the Government by investigation agency i.e. Anti-Corruption Bureau that they investigated the allegation of bribery by Sri K.Krishna Reddy, former Mandal Revenue Officer (Retired) and P.Yadaiah, Mandal Revenue Inspector, Nalgonda who were trapped by the Anti-Corruption Bureau Officials on 31.07.2007, when they demanded and accepted a bribe amount of Rs.5000/- from the complainant Sri Vasa Dayakar of L.B.Nagar, Ranga Reddy District for doing official favour of returning the original documents of lorry bearing No.AP29U 5737 of Sri Vasa Dayakar which was taken from the Driver of the said lorry on 28.07.2007 at by-pass road near Nalgonda. The Director General, Anti-Corruption Bureau has recommended for prosecution of the Accused Officers in a Court of Law.

2. Government, after considering the final report furnished by the Director General, Anti Corruption Bureau through the reference 1st read above, entrusted the case to the Tribunal for Disciplinary Proceedings for a detailed enquiry into the allegations levelled against the Accused Officer under Rule 3 of the Andhra Pradesh Civil Services (Disciplinary Proceedings Tribunal) Rules, 1989 read with section 4 of the Andhra Pradesh Civil Services (Disciplinary Proceedings Tribunal) Act, 1960 vide reference 2nd read above;

3. In the reference 3rd read above, the Tribunal for Disciplinary Proceedings after conducting inquiry furnished the Report in TEC No.22/2009 that the charges framed against the Charged Officers are held proved.

4. Government after considering the Tribunal for Disciplinary Proceedings Report in TEC No.22/2009, dated: 23.12.2010 examined the findings of the Tribunal for Disciplinary Proceedings, furnished a copy of the enquiry report in TEC No.22/2009 to Sri K.Krishna Reddy, former Mandal Revenue Officer (Retired), Nalgonda and directed him to submit his explanation as to why further action shall not be taken against him under Rule 9 of the A.P.Civil Services (Classification, Control and Appeal) Rules, 1991, on the findings of Tribunal for Disciplinary Proceeding for the charges proved against him through the reference 4th read above.

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5. Sri K.Krishna Reddy, former Mandal Revenue Officer (Retired), Nalgonda has submitted his explanation stating that the lorry relating to PW1 Sri V.Dayakar was apprehended and seized by II Town Police Station, Nalgonda at 5 am on 28.07.2007 while transporting sand illegally and they have also seized the papers and gave a report to him on 28.07.2007 under Ex.P1. Further, the PW1 came to his office on 28.07.2007 itself and gave a letter admitting his guilt vide Ex.D1 promising to pay the fine amount. Accordingly, he has imposed a fine of Rs.2,000/-. He has given the amount to Revenue Inspector i.e. Sri P.Yadaiah to pay the challan and obtain Demand Draft in A.P.Grameena Vikas Bank, Nalgonda. After payment of the fine amount, he endorsed (Ex.D1) directing the Station House Officer, II Town Police Station to release the vehicle and sent the same. The Revenue Inspector Sri P.Yadaiah paid the challan of Rs.2,000/- and obtain Demand Draft in favour of Revenue Divisional Officer on 30.07.2007, as 28.07.2007 & 29.07.2007 happened to be Saturday and Sunday. All this was clearly admitted by the Deputy Superintendent of Police, Anti-Corruption Bureau as PW5. This aspect is deliberately suppressed by PW1 in his complaint given to the Anti-Corruption Bureau under Ex.P4 and he thoroughly mislead the Anti-Corruption Bureau officials by making false recitals in his complaint and this was also clearly admitted by the very Deputy Superintendent of Police, Anti-Corruption Bureau PW5. After paying the penalty of Rs.2000/- PW1 on 28.7.07 again sent his lorry to Narsingbatla (Village) for illegal transportation of sand and the said lorry was seized by him when it was stuck in the mud on the side of the road. He has also imposed a fine of Rs.1000/- and the same was paid by the PW1 (complainant). The said amount was given to the Revenue Inspector (Sri P.Yadaiah) to pay the challan in favour of the Revenue Divisional Officer on 30.07.2007. At the time of trap both the Demand Drafts for Rs.2000/- & Rs.1000/- were seized by the Anti-Corruption Bureau and the same was marked as Exs.D2 & D3. He has also stated that the papers relating to the lorry of PW1 were also seized when he was caught red handed for the 2nd time on 28.07.2007 and the same was retained with the Revenue Inspector and later informed him that the papers will be given him after one week so as to observe the character of PW1, as he has committed the offence for the 2nd time on the next day itself. As he chastised PW1, he bore grudge against him and lodged a false complaint to the Anti-Corruption bureau and thus implicated him in this false case. He has stated that he has imposed lakhs of rupees of fines on the lorry owners who were transporting sand illegally including PW1 and Ex.P11 file seized by the Anti-Corruption Bureau on the date of trap reveals the same. Automatically all the lorry owners became hostile and inimical against him and all of them have joined hands and implicated him in the false case.

6. He has further stated that not only PW1 but there was a big gang of lorry owners at Nalgonda who were illegally transporting sand which were seized by him several times and he imposed lot of fine on the lorry owners and the file which was seized by the Anti-Corruption Bureau on the date of trap under Ex.P11 established beyond doubt that he has imposed fines and penalties on the lorry owners. The Deputy Superintendent of Police, Anti-Corruption Bureau also clearly admitted the same before the Tribunal for Disciplinary Proceedings. As he has become an obstacle to illegal transportation of sand by PW1 and other lorry owners, they hatched a plan to get rid of him from his post and ultimately they succeeded by implicating him in this stage managed and foisted Anti-Corruption Bureau trap case. The PW1 has mentioned in his complaint to the Anti-Corruption Bureau and in his evidence before the Hon'ble Tribunal for Disciplinary Proceedings that his lorry was stopped by him for the 1st time near the AMC Check Post, Nalgonda

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by-pass and the claim that lorry was empty etc. is absolutely false and baseless. Further in his 161 Criminal Procedure Code statement and 164 Criminal Procedure Code Statement P.W.1 had deliberately spoken falsehood against him before the Tribunal for Disciplinary Proceedings alleging that on 28.07.2007 his driver Balaraj informed him that he and the Revenue Inspector had stopped his lorry at Nalgonda By Pass Road and seized the Registration Copy Book and permit and handed over the same to Nalgonda Rural Police Station and also alleged that his lorry was on the road at that time and that he met him on 29.07.2007 and the Revenue Inspector had demanded Rs.5,000/- to release the lorry and documents etc., which is not at all contained in his earlier statements. Thus, it is proved beyond doubt that PW1 is making deliberate falsehood before the Hon'ble Tribunal for Disciplinary Proceedings. He has further stated that the petitioner i.e. PW1 gave a false complaint against the staff of Tribunal for Disciplinary Proceedings when there were a small rift between him and staff of Tribunal for Disciplinary Proceedings about talking loudly over cell phone inside the Tribunal for Disciplinary Proceedings office and this also clearly proves that the character of PW1 is very vengeful. He has stated that the Hon'ble Tribunal for Disciplinary Proceedings did not consider the same nor discussed the same in its lengthy report of 13 pages any where and simply held that so far as the Charged Officer in TEC No.22/2009 is concerned viz., the Mandal Revenue Officer, the test has proved a negative result as Mandal Revenue Officer has not touched the bribe amount. Nevertheless PW1 has categorically stated that he handed over the tainted amount to the Revenue Inspector (Charged Officer in TEC No.23/2009) only on the instructions of Mandal Revenue Officer. Thus, the involvement of the said Mandal Revenue Officer in making a demand for the bribe from PW1 cannot be ruled out. Hence, hold that the charge is proved". He has also stated that the tainted amount was not recovered from his possession and the chemical test conducted on him both hand fingers proved negative. Even on the date of trap, he has explained to the Deputy Superintendent of Police that he neither demanded nor accepted any bribe amount from PW1 at any time and he never directed to pay any amount to Revenue Inspector, which was clearly admitted both the mediator and the Deputy Superintendent of Police, Anti-Corruption Bureau before the Hon'ble Tribunal for Disciplinary Proceedings. As PW1 is not having any moral courage to approach him, he deliberately thrust the tainted amount in the shirt pocket of Revenue Inspector and the two independent witnesses who were present at that time DWs 1 and 4 categorically deposed the same before the Hon'ble Tribunal for Disciplinary Proceedings. Hence, he has finally stated that the report of the Tribunal for Disciplinary Proceedings did not contain anything on the aspect of whether the unimpeachable documents under Exs.D1 to D.13 and the trustworthy evidence of DWs 1 to 5 were accepted by the Tribunal for Disciplinary Proceedings or rejected it. He alleged that the entire report of the Tribunal for Disciplinary Proceedings is totally one sided, biased much less against to the principles of natural justice, fair play and equity. Hence, he has requested to drop all further action against him.

7. Government, after careful examination of facts and circumstances of the case keeping in view of the findings of Tribunal for Disciplinary Proceedings in TEC No.22/2009, dated 23.12.2010 and the representation of Sri K.Krishna Reddy, former Mandal Revenue Officer (Retired), Nalgonda have observed that the Tribunal for Disciplinary Proceedings has concluded that Sri K.Krishna Reddy Tribunal for Disciplinary Proceedings (Retired) did not touch the bribe amount and it is only the Additional Revenue Inspector who demanded and accepted the bribe amount and it is only the statement

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of PW-1, basing exclusively on which the Tribunal for Disciplinary Proceedings has held the former Mandal Revenue Officer guilty of the charge. The conclusion drawn by the Tribunal for Disciplinary Proceedings against Sri K.Krishna Reddy does not appear to be based on enough evidence since he neither demanded the bribe nor accepted it. Hence, Government have decided to exonerate Sri K.Krishna Reddy, Mandal Revenue Officer (Retired) from the charges. Accordingly, Government hereby exonerate Sri K.Krishna Reddy, former Mandal Revenue Officer (Retired), Nalgonda from the charges.

8. The Chief Commissioner of Land Administration is requested to take necessary action in the matter, accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

ASUTOSH MISHRA
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Chief Commissioner of Land Administration, Hyderabad.
The District Collector, Nalgonda.
Sri K.Krishna Reddy, former Mandal Revenue Officer (Retired),
Nalgonda **Through** C.C.L.A., Hyderabad
The Director General, Anti-Corruption Bureau, Hyderabad.
The Andhra Pradesh Vigilance Commission, Hyderabad.
S.c./S.f.

// FORWARDED :: BY ORDER //

SECTION OFFICER